

REMARKS

Claims 1-6, 20-25, and 31-33 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,524,616 to Notelivitz, et al. ("Notelivitz"). The earliest filing date of Notelivitz is June 25, 1999, which is prior to the November 5, 1999 filing date of the provisional application, Serial No. 60/163,819, to which the instant application claims benefit.

Applicants respectfully request withdrawal of this rejection.

Applicants assert that Notelivitz discloses a method for treating or preventing neurodegeneration and cognitive decline by administration of a soy-derived material, *e.g.*, a phytoestrogen, in combination with an acetylcholinesterase inhibitor, *e.g.*, Huperzine A (see Abstract). Notelivitz does not disclose administering an A β reducing dose of an estrogen compound wherein the dose of the estrogen compound does not affect soluble APP levels as claimed in the present invention. Accordingly, the rejection under Section 102(e) should be withdrawn because Notelivitz does not anticipate claims 1-6, 20-25, and 31-33.

Even if the examiner continues to construe Notelivitz as anticipatory of the present invention, Applicants attach hereto a Declaration Under 37 C.F.R. §1.131 of the named inventors of the instant application, certifying and providing evidence that the inventors were in possession of the invention prior to June 25, 1999, the earliest filing date of Notelivitz. Accordingly, in view of the declaration, the rejection under Section 102(e) should be withdrawn because Applicants were in possession of the invention prior to the earliest filing date of Notelivitz.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: 8/16/04

Respectfully submitted,

By Kristin Behrendt Korisni
Kristin E. Behrendt

Registration No.: 45,599
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant